

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-20 are currently pending. Claims 1, 6, 11 and 16 are independent. Claims 1-11, 13, 14, 16, and 18-20 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed, and specifically at pages 12-14. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Furthermore, Applicant has amended the Title.

**II. REJECTIONS UNDER 35 U.S.C. §102(b)**

Claims 1-20 were rejected under 35 U.S.C. §102(b) as allegedly unpatentable over U.S. Patent No. 5,668,597 to Parulski (hereafter merely "Parulski").

Claim 1 recites, *inter alia*:

"An image photographing apparatus ..., comprising:

...

control means defining a single detection area which is both vertically and horizontally limited within the imaging device and reading only the image signals within the single detection area out of the imaging device, the read image signals being used to adjust the still image

before photographing and a control period of the control means being set in correspondence within a read-out period associated with the single detection area;

wherein only the single detection area is used for adjustment with the detection area being smaller than an effective pixel plane associated with the image photographing apparatus; and

whereby only segments of horizontal lines within the detection area are read." (emphasis added)

As understood by Applicant, Parulski relates to the "portion of the image surrounding a central focusing area 66 is rapidly read out and discarded, using "fast flush" clocking where the vertical and horizontal registers are continuously clocked and lines of image charge are dumped to the substrate through the fast dump structure 62. In the central focusing area 66, a pattern of lines are eliminated through the fast dump structure 62, and the intervening lines are transferred out to generate a focus adjustment signal." However, Parulski does not limit his detection areas to a single detection area, which is limited both vertically and horizontally. For example, in Parulski, focusing or white balancing are not performed using detected signals from only one detection area. Please refer to Fig. 9 of Parulski, wherein auto focusing is performed using an average contrast value calculated by a plurality of detected signals from a plurality of detection areas.

Applicant respectfully submits that Parulski does not disclose or suggest an image photographing apparatus comprising control means defining a single detection area which is both vertically and horizontally limited within the imaging device and reading only the image signals within the single detection area out of the imaging device, the read image signals being used to adjust the still image before photographing with a control period of the control means being set in correspondence within a read-out period associated with the single detection area; wherein

only the single detection area is used for adjustment with the detection area being smaller than the effective pixel plane associated with the image photographing apparatus; whereby only segments of horizontal lines within the detection area are read, all as recited in claim 1.

Therefore, Applicant submits that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 6, 11 and 16 are also believed to be patentable.

Therefore, Applicant submits that independent claims 1, 6, 11 and 16 are patentable.

### **III. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### **CONCLUSION**

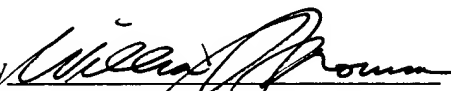
Claims 1-20 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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